



## 2011 ASSEMBLY BILL 200

1     **AN ACT** *to amend* 93.23 (1) (e), 125.51 (10), 125.53 (1) and 125.69 (1) (b) 1.; and  
2             *to create* 125.69 (1) (b) 5. of the statutes; **relating to:** temporary alcohol  
3             beverages licenses issued for fairgrounds and eligibility for state aid for fairs.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 93.23 (1) (e) of the statutes is amended to read:  
5             93.23 (1) (e) Not later than 30 days after the close of the fair each year the  
6             county clerk, or the person appointed to file the statements under this paragraph by  
7             the county board, agricultural society, association, or board claiming state aid, shall  
8             file with the department, on forms provided by the department, an itemized  
9             statement verified on oath, showing net premiums actually paid or to be paid at the  
10            preceding fair, which must correspond with uniform premium lists and other

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1 requirements under par. (a). The statement shall also include a statement that at  
2 the fair all gambling devices whatsoever, the sale of intoxicating liquors, excepting  
3 fermented malt beverage, as defined in s. 125.02 (6), and wine, as defined in s. 125.02  
4 (22), and exhibitions of immoral character were prohibited and excluded from the  
5 fairgrounds and all adjacent grounds under the authority or control of the county  
6 board, agricultural society, association, or board claiming state aid. On or before  
7 December 31 of the year in which the fair is held, the person filing the statements  
8 under this paragraph shall furnish the department a statement of receipts and  
9 disbursements, attendance, and any other information that the department  
10 requires. Upon receipt of the required report, each fair shall be paid 100%, or the  
11 prorated percentage, of the aid due the preceding year.

12 **SECTION 2.** 125.51 (10) of the statutes is amended to read:

13 125.51 **(10)** TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary  
14 “Class B” licenses may be issued to bona fide clubs, to county or local fair associations  
15 or agricultural societies, to churches, lodges or societies that have been in existence  
16 for at least 6 months before the date of application and to posts of veterans’  
17 organizations authorizing the sale of wine in an original package, container or bottle  
18 or by the glass if the wine is dispensed directly from an original package, container  
19 or bottle at a particular picnic or similar gathering, at a meeting of the post, or during  
20 a fair conducted by the fair association or agricultural society. The amount of the fee  
21 for the license shall be \$10, except that no fee may be charged to a person who at the  
22 same time applies for a temporary Class “B” license under s. 125.26 (6) for the same  
23 event. A license issued to a county or district fair licenses the entire fairgrounds  
24 where the fair is being conducted and all persons engaging in retail sales of wine from  
25 leased stands on the fairgrounds. The county or district fair to which the license is

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1 issued may lease stands on the fairgrounds to persons who may engage in retail sales  
2 of wine from the stands while the fair is being held. If a county or district fair leases  
3 any stand to a winery holding a permit under s. 125.53, in addition to making retail  
4 sales of wine from the leased stand, the winery may provide taste samples anywhere  
5 on the fairgrounds of wine manufactured by the winery. Not more than 2 licenses  
6 may be issued under this subsection to any club, county or local fair association,  
7 agricultural association, church, lodge, society or veterans post in any 12-month  
8 period.

9 **SECTION 3.** 125.53 (1) of the statutes is amended to read:

10 125.53 (1) The department shall issue only to a manufacturing winery in this  
11 state that holds a valid certificate issued under s. 73.03 (50) a winery permit  
12 authorizing the manufacture and bottling of wine on the premises covered by the  
13 permit for sale to wholesalers holding a permit under s. 125.54. A winery permit also  
14 authorizes the permittee to, on the winery premises and without obtaining a  
15 rectifier's permit, possess intoxicating liquor and mix or blend intoxicating liquor to  
16 produce wine sold to wholesalers holding a permit under s. 125.54. A winery holding  
17 a permit under this section may offer on the premises taste samples of wine  
18 manufactured on the premises to persons who have attained the legal drinking age.  
19 A permittee under this section may also have either one "Class A" license or one  
20 "Class B" license, but not both. The "Class A" license or "Class B" license may either  
21 be issued for the winery premises or for real estate owned or leased by the winery.  
22 If a "Class A" or "Class B" liquor license has also been issued to the winery, the winery  
23 may provide wine manufactured, mixed, or blended on the winery premises directly  
24 to the "Class A" or "Class B" premises and may offer the taste samples on the "Class  
25 A" or "Class B" premises. A winery holding a permit under this section may also

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1 make retail sales and provide taste samples on county or district fair fairgrounds as  
2 provided in s. 125.51 (10), but this wine sold at retail or provided as taste samples  
3 shall be purchased from a wholesaler holding a permit under s. 125.54.

4 **SECTION 4.** 125.69 (1) (b) 1. of the statutes is amended to read:

5 125.69 (1) (b) 1. Except as provided under ~~subd.~~ subds. 4. and 5., no intoxicating  
6 liquor manufacturer, rectifier, winery, out-of-state shipper permittee, or wholesaler  
7 may hold any direct or indirect interest in any “Class B” license or permit or  
8 establishment or “Class C” license or establishment and no “Class B” licensee or  
9 permittee or “Class C” licensee may hold any direct or indirect interest in a  
10 manufacturer, rectifier, winery, out-of-state shipper, or wholesale permit or  
11 establishment.

12 **SECTION 5.** 125.69 (1) (b) 5. of the statutes is created to read:

13 125.69 (1) (b) 5. A winery that has a permit under s. 125.53 may make retail  
14 sales and provide taste samples on county or district fair fairgrounds, as provided in  
15 s. 125.51 (10), under a “Class B” license issued under s. 125.51 (10) to a county or local  
16 fair association.

17 **SECTION 5m. Effective date.**

18 (1) This act takes effect on the first day of the 3rd month beginning after  
19 publication.

20 (END)